

**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEBRASKA**

In re:	)	Case No. <b>17-40617-TLS</b>
	)	Chapter 13
<b>RANDAL D. MILLER</b>	)	
	)	
Debtor	)	

**DEBTOR'S RESISTANCE TO MOTION FOR ORDER ALLOWING PROOF OF  
CLAIM TO BE FILED OUT OF TIME**

COMES NOW, Christopher W. Peterson, counsel for Debtor, and in resistance to Federal National Mortgage Association's ("Fannie Mae") Motion for Order Allowing Proof of Claim to be Filed out of Time, states and alleges as follows:

1. Federal Rule of Bankruptcy Procedure 3002(c) provides a strict bar date for creditors to submit a proof of claim in a Chapter 13 proceeding. Section 3002(c) also lists specific exceptions to such creditor's requirement to timely file its proof of claim.
2. Debtor filed his Chapter 7 proceeding on April 24, 2017. Debtor's Section 341(a) meeting was held on June 13, 2017. Creditors' proofs of claim were due by September 11, 2017.
3. On October 10, 2017, Debtor filed his Second Amended Chapter 13 Plan. Such plan was confirmed on November 1, 2017 without any objection from Fannie Mae.
4. Fannie Mae's sole reason for failing to timely file its proof of claim is for "mistake and excusable neglect." The creditor has failed to allege any exception permitted under Section 3002(c).
5. Fannie Mae has waived its rights to file a claim in this case and to participate in disbursements of plan payments under the Chapter 13 Plan.

WHEREFORE, Debtor prays that the Motion for Order Allowing Proof of Claim to be Filed out of Time be denied.

DATED: December 7, 2017

RANDAL D. MILLER, Debtor

BY: /s/ Christopher W. Peterson  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the Debtor's Resistance to Motion for Order Allowing Proof of Claim to be Filed out of Time was filed in the CM/ECF system of the United States Bankruptcy Court on December 7, 2017, which sent electronic notice to all those parties receiving notice of such filings.

/s/ Christopher W. Peterson

Christopher W. Peterson